

Adopted March 31, 2008

**PUBLIC & GOVERNMENTAL PROGRAMS COMMITTEE
MINUTES**

Richard J. Sullivan Center
15C Springfield Rd
New Lisbon NJ
February 25, 2008
11:30 AM

COMMITTEE MEMBERS PRESENT: Stephen Lee, Betty Wilson, Candace Ashmun, Paul E. Galletta, Francis Witt (Alternate), Norman Tomasello (Alternate)

COMMITTEE MEMBERS ABSENT: Edward Lloyd

STAFF PRESENT: John Stokes, Charles Horner, Larry Liggett, David Kutner, Susan Grogan, Ed Wengrowski, April Fijalkowski

PUBLIC PRESENT: Theresa Lettman, Former Commissioner Mounier, Judith Noonan, Faye McDonnell, Fred Akers, David McKeon, Nan Walnut, Bette Chosak, Jim Doran, Russell Juleg

The meeting was called to order at 11:40 a.m.

1. Approval of Monthly Meeting Minutes for January 28, 2008

Commissioner Galletta moved that the minutes be approved. Commissioner Witt seconded the motion. The minutes were approved unanimously.

2. Review of staff comments on proposed Council on Affordable Housing rules

Larry Liggett indicated that Commission staff would be submitting its comments regarding the proposed third round rules to the NJ Council on Affordable Housing (COAH) before the March 22, 2008 comment deadline. John Stokes explained that COAH had adopted rules for three rounds (time periods) and the third round rules were legally challenged and overturned. As a result, COAH was proposing new third round rules. Larry Liggett indicated that the third round rules addressed the State's potential affordable housing need between 2004 through 2018. Larry Liggett gave a PowerPoint presentation explaining the changes and Commission staff comments regarding the proposed third round rules. (Please see the attached slides from the presentation.)

Commissioner Ashmun requested that upon completion, the Committee members be provided with copies of the Commission staff's draft comments to COAH regarding the proposed rules.

Commissioner Galletta expressed concern regarding the proposed increase in the projected state-wide affordable housing need of 115,000 units. He indicated that the Commission should consider the

amount of these units that would be located in the Pinelands Area.

John Stokes indicated that Commission staff would provide a copy of the draft comments to the Committee members before Commission staff submitted the comments to COAH.

3. Review of staff comments on proposed NJDEP recycling rules

Ed Wengrowski gave a presentation regarding the proposed NJ Department of Environmental Protection (NJDEP) Solid Waste Management Rules. He indicated that NJDEP was in the process of readopting its solid waste and recycling rules with amendments (N.J.A.C. 7:26A). He explained that the deadline for written comments regarding the rules was March 7, 2008. He indicated that Commission staff was currently drafting its comments regarding the proposed rules for submission to NJDEP before the March 7, 2008 deadline.

Ed Wengrowski explained that the proposed amendments to the recycling rules addressed current recycling technology, providing administrative flexibility and ensuring consistency with related NJDEP regulations. Ed Wengrowski explained some of the requirements of the proposed rules and Commission staff comments regarding the proposed rules. (Please see the attached slides from the presentation.)

John Stokes indicated that the Commission staff would comment regarding the different references to the Pinelands throughout the rules, asking that all references be revised to be consistent throughout the rules.

A brief discussion of the proper disposal of fluorescent and compact fluorescent lamps followed.

4. Review of NJ Assembly Bill #823 on Outdoor Recreational Vehicles

John Stokes explained that the proposed Bill regulated the operation of all terrain vehicles (ATVs) in NJ, which have not historically been regulated. The Bill included a registration requirement, a provision for NJDEP to designate legal areas for their use, penalties for improper use and obligation for the Motor Vehicle Commission to develop ATV safety programs and requirements. John Stokes indicated that the Pinelands Preservation Alliance (PPA) had taken a leadership role advocating such regulations.

Russell Juleg, a representative of PPA, explained that ATVs had caused a significant amount of environmental resource damage throughout the State. Such regulations would increase the likelihood for law enforcement officials to apprehend offenders. He explained the importance of requiring ATV registration.

Fred Akers, a representative of the Great Egg Harbor Watershed Association, explained that the Bill did not have a companion in the Senate yet. He indicated that the proposed Bill would work to protect Pinelands resources and save lives. Additionally, it would motivate people to utilize legal ATV parks.

John Stokes indicated that Commission staff would continue to track the Bill's progress and would consider expressing support for the Bill at the appropriate time.

5. Update on Existing Atlantic City Airport MOA: Grassland Habitat Issue

Charles Horner indicated that Commission staff met with representatives of the South Jersey Transportation Authority (SJTA) on February 21, 2008 to discuss the grassland habitat issue. He explained that the Commission entered into a MOA with the SJTA to allow certain improvements at the Atlantic City Airport. The MOA contained certain conditions requiring the maintenance and preservation of certain grassland bird habitats. Charles Horner indicated that SJTA recently received a directive from the Federal Aviation Administration (FAA) requiring that certain mowing activities occur within proximity to their runways. However, portions of the required mowing conflict with certain grassland habitat preservation/maintenance required by the MOA.

Charles Horner explained that the MOA required a 290 acre habitat conservation area. The FAA mowing directive required that approximately 1.7 acres of the habitat conservation area be mowed. Additionally, the FAA directed that the airport mow approximately 125 acres of grassland habitat that was currently being maintained as required by the environmental assessment referenced in the MOA.

Charles Horner indicated that Commission staff continued to work with SJTA to identify a resolution to the matter.

Commissioner Wilson expressed concern regarding the expansion of airports in the Pinelands and how the Commission should handle future airport expansion proposals.

6. Update on the Proposed Robert J. Miller Airpark MOA

Charles Horner explained that Commission staff had met with Ocean County representatives on February 19, 2008 to discuss the January 25, 2008 Commission staff letter to Ocean County regarding the proposed MOA. He indicated that the Commission staff's letter requested information clarifying the submitted information regarding the MOA. He explained that Ocean County planned to respond to the Commission staff's letter and appear before the Committee at its March meeting.

David McKeon, the director of the Ocean County Planning Department, indicated that Ocean County expected to respond to the Commission staff's letter this week.

7. Update on Proposed Garden State Parkway Widening MOA

By letter of January 31, 2008, Commission staff responded to the New Jersey Turnpike Authority's (NJTA) comments on the Commission staff secondary impacts analysis. Copies of this letter were included in the Committee packets.

John Stokes indicated that Commission staff did not agree with NJTA's comments regarding

secondary impacts. He indicated that David Kutner continued to work with Delaware Valley Regional Planning Commission (DVRPC) to respond to Committee questions posed at its previous meetings.

Regarding stormwater management, John Stokes explained that Commission staff had expressed concern regarding NJTA's methodologies used to demonstrate consistency with stormwater management standards. He indicated that NJTA was currently redesigning its sampling protocol and stormwater management plan to demonstrate consistency with CMP standards.

John Stokes indicated that NJTA had also asked Commission staff to review the parcel NJTA proposed for environmental offsets for certain threatened and endangered species impacts that would occur as a result of the widening. He explained that Commission staff would review and comment to NJTA regarding to what extent the Commission would consider the concerned wetland parcel for threatened and endangered species environmental offsets for the project.

Commissioner Ashmun commented on the Commission's process regarding proposed MOAs. She suggested that prior to the Committee recommending a proposed MOA to the full Commission for its approval/denial, the full Commission should have an opportunity to review a general MOA proposal and express its comments. Such a review would save valuable staff time spent preparing MOAs.

Commission Lee suggested that once the Committee had a general idea regarding a proposed MOA, that there be an "interim decision point" where the full Commission could review and comment on the concept of the proposed MOA.

John Stokes indicated that Commission staff would list the matter for discussion at the Committee's March meeting.

8. Public Comment

Regarding the Garden State Parkway MOA, Theresa Lettman, a representative of PPA, expressed concern regarding snake drift fencing that may still be present, even though the required snake studies had been completed.

Regarding the Robert J. Miller Airpark MOA, Theresa Lettman indicated that PPA was opposed to the MOA. She explained that PPA believed that the Commission should require that the proposed development at the airpark only be permitted if it was demonstrated that the proposed development was consistent with the standards of the CMP, thus eliminating the need for an MOA. (Please see attached comments.)

In response to Theresa Lettman's comments, Commissioner Lee explained the difficulty Commission staff faced when determining whether the proposed development met the CMP's permitted use (50 percent expansion of a nonconforming use) standards. Commissioner Wilson expressed the need for an overall plan regarding future development at the airpark. John Stokes explained that he had advised Ocean County that he would not provide favorable recommendations to individual public

development applications at the Airpark until Ocean County provided the Commission with an overall future development plan. David McKeon, the director of the Ocean County Planning Department, indicated that the County would be including an overall master development plan as part of the MOA.

Commissioner Witt departed at 2:25 p.m.

Judith Noonan, a representative of the Coalition of Berkeley Senior Community, asked several questions regarding the proposed affordable housing rules and their effects on her community. John Stokes suggested that she discuss her questions with Susan Grogan of the Commission staff.

Regarding the disposal of fluorescent and compact fluorescent lamps, Fred Akers, a representative of the Great Egg Harbor Watershed Association, indicated that Atlantic County Utilities Authority had a program for their disposal.

Nan Walnut questioned whether the development at the Robert J. Miller Airpark would be private or public development. John Stokes explained that the proposed development was not for private commercial development.

John Stokes suggested that the Committee adjust the Committee meeting time either earlier or later to better accommodate lunch.

The meeting was adjourned at 2:30 p.m.